

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.174/95

New Delhi this the 7th Day of February, 1995.

Hon'ble Sh. N.V. Krishnan, Vice-Chairman (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Mahender Kumar Gupta,
R/o C-11/82, Sector III,
Rohini, Delhi-110 085.Applicant

(By Advocate Sh. S.M. Garg)

Versus

1. Union of India through the Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. The Secretary,
Ministry of Planning,
Programme & Implementation,
(Dept. of Statistics),
Sardar Patel Bhawan, Sansad Marg,
New Delhi.
3. The Director General,
Central Statistical Organisation,
(Dept. of Statistics),
Sansad Marg, New Delhi.
4. Joint Director,
Department of Statistics,
Central Statistical Organisation,
(Industrial Statistical Wing),
1, Council House Street, Calcutta.Respondents

ORDER(ORAL)

Hon'ble Mr. N.V. Krishnan:-

We have heard the learned counsel for the applicant. The applicant was appointed as a Lower Division Clerk (LDC) on officiating basis in 1961 (Annexure-I) and was confirmed in March, 1965 (Annexure-II). In disciplinary proceedings initiated in 1978, he was compulsorily retired by the order dated November, 1987. This has been set aside by the Annexure-III judgement dated 1.6.93 of this Tribunal with liberty to the respondents to continue the departmental enquiry, if they so desire. It is stated that the departmental enquiry is still continuing.

(2)

2. The first prayer is for a direction to the respondents to communicate to the applicant his position in the seniority list of LDCs. We are surprised that this applicant is making this prayer in 1995 when his appointment as LDC was in 1961 and he was confirmed in 1965. Obviously, it is a stale claim and, therefore, it cannot be entertained.

3. The second prayer is that a direction should be given to the respondents to consider the promotion of the applicant to the next higher grade of UDC with all consequential benefits. Admittedly, a departmental enquiry is still pending against the applicant. There is no reason to presume that the Department would not consider the applicant's case, in accordance with law, for promotion to the post of UDC in the above circumstances. Hence, we do not find any merit in the second prayer.

4. Accordingly, the OA is dismissed at the admission stage itself.

5. We make it clear that this order will not stand in the way of the applicant from challenging, in accordance with law, any decision, that may be taken by the respondents either in the disciplinary proceeding or in regard to his promotion as UDC.

A. Vedavalli
(Dr. A. Vedavalli)
Member (J)

N.V. Krishnan
(N.V. Krishnan)
Vice-Chairman (A)